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UNCLAS SECTION 01 OF 02 SANTO DOMINGO 001299

SIPDIS

SENSITIVE

DEPARTMENT FOR WHA/CAR (MCISAAC)

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TAGS: KJUS PGOV PREL DR

SUBJECT: DOMINICAN ELECTIONS #23 - POLITICS AFFECTS THE

SUPREME COURT

REF: SANTO DOMINGO

¶1. (SBU) This is cable number 23 in our presidential election series.

Politics affects the Supreme Court

President Mejia's PRD appears to be positioning itself to pack the Supreme Court with PRD party members, less than three months before the presidential election. If Mejia loses the May 16 elections, friends and PRD supporters on the Court could prevent successful prosecutions of Mejia administration officials for real or alleged abuses while in office.

Since February 16 both the Senate and House have named members to a Judicial Council (Consejo Nacional de la

Magistratura or CNM). The CNM has authority to select judges for vacancies on the Supreme Court and to designate the Chief Justice. Members of

There are no vacancies on the bench, so the only apparent item of business for a newly convened CNM would be the selection of a new President of the Supreme Court. Supreme Court president Jorge Subero Isa, a respected jurist, has led the reform-minded court of 16 members since 1997. He has been apolitical since ascending to the bench. In

mid-January he threatened to resign from his position after sharp clashes in open court and in chambers with other

judges; he delivered a letter to other court members formally requesting a vote of confidence of at least three-quarters of the justices. Prom

Both legislators chosen for the CNM are from the PRSC and are said to be friendly to the President's PPH faction of the PRD. Debate in the Hou

The Council can now be convoked at the pleasure of the President. If it names a new Chief Justice, the touchy Subero Isa would certainly resign. This would create a vacancy which would allow the PRD to select a Supreme Court

Chief Justice more to its liking and to nominate a PRD sympathizer to Subero Isa's vacated slot.

With Subero Issa gone, the PRD could increase the pressure on three other justices to resign. All are over the mandatory retirement age of 75

The count of patent PRD sympathizers would rise from 7, headed by Subero Issa's severest critic Justice Luciano, to 11, a majority.

In 1997 when the Court was reformed, civil society organizations played a prominent role in "vetting" nominees, objecting successfully to some

The Chief Justice sets the Court's agenda. A PRD partisan in that chair could see that cases of particular interest to the PRD could be heard e

Regardless of the outcome of the presidential election, the PRD will retain its control of the Senate and its near-control of the Chamber of De

¶2. (U) Drafted by Angela Kerwin.

¶3. (U) This report, our entire election series and other current material can be consulted on our SIPRNET website:

<http://www.state.sgov/p/wha/santodomingo/> index.cfm .

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